

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert A. Rousseau, et al.

Filed :

For : STERNAL CLOSURE DEVICE AND METHOD

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Blossom E. Loo

(Name of applicant, assignee, or Registered Representative)

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(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in \$1.17(p).

☐ In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the

national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH5126/BEL. This form is submitted in triplicate.

Respectfully submitted,

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DATED: 4/22/04

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 1 of 4	Application Number	
	Filing Date	
	First Named Inventor	Robert A. Rousseau
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	ETH-5126

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		309350	D	Hayden	12/16/1884	
		3802438		Wolvek	04/09/1974	
		4122989		Kapitanov et al.	10/31/1978	
		4201215		Crossett et al.	05/06/1980	
		4210148		Stivala	07/01/1980	
		4279248		Gabbay	07/21/1981	
		4512346		Lemole	04/23/1985	
		4535764		Enerit	08/20/1985	
		4548202		Duncan	10/22/1985	
		4583541		Barry	04/22/1986	
		4730615		Sutherland et al.	03/15/1988	
		4802477		Gabbay	02/07/1989	

FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	Kind Code ⁵				
		WO	00/64366	A1	Gazzani, R.	11/02/2000		
		WO	01/22989	A2	Kaken Pharmaceutical Co., Ltd.	04/05/2001		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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		Number	Kind Code ² (if known)			
		4813416		Pollak et al.	03/21/1989	
		4896668		Popoff et al.	01/30/1990	
		5089012		Prou	02/18/1992	
		5139498		Astudillo Ley	08/18/1992	
		5163598		Peters et al.	11/17/1992	
		5318566		Miller	06/07/1994	
		5330489		Green et al.	07/19/1994	
		5356412		Golds et al.	10/18/1994	
		5356417		Golds	10/18/1994	
		5366461		Blasnik	11/22/1994	
		5417698		Green et al.	05/23/1995	
		5437685		Blasnik	08/01/1995	

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ETH-5126

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		Number	Kind Code ² (if known)			
		5423821		Pasque	06/13/1995	
		5462542		Alesi, Jr.	10/31/1995	
		5722976		Brown	03/03/1998	
		5830234		Wojciechowicz et al.	11/03/1998	
		5849012		Abboudi	12/15/1998	
		5893879		Hirshowitz et al.	04/13/1999	
		5968077		Wojciechowicz et al.	10/19/1999	
		5972006		Scialino, Jr.	10/26/1999	
		6007538		Levin	12/28/1999	
		6008535		Jean et al.	12/28/1999	
		6033429		Magovern	03/07/2000	
		6045572		Johnson et al.	04/04/2000	

[illegible]

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		Number	Kind Code ² (if known)			
		6051007		Hogendijk et al.	04/18/2000	
		6080185		Johnson et al.	06/27/2000	
		6200318	B1	Har-Shai et al.	03/13/2001	
		6217580	B1	Levin	04/17/2001	
		6302899	B1	Johnson et al.	10/16/2001	
		6312431	B1	Asfora	11/06/2001	
		6358270	B1	Lerner	03/19/2002	
		6368342	B1	Lerner	04/09/2002	
		2003/0040746	A1	Mitchell et al.	02/27/2003	
		2003/0083694	A1	Miller, III	05/01/2003	
		2002/0143336	A1	Hearn	10/03/2002	
		2002/0165548	A1	Jutley	11/07/2002	
		2003/0153947	A1	Koseki	08/14/2003	

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